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DATE FILED: 9/17/14

September 17, 2014

### VIA ECF AND FACSIMILE

Honorable Paul G. Gardephe  
Thurgood Marshall United States Courthouse  
40 Foley Square, Chambers 2204  
New York, New York 10007-1312

**MEMO ENDORSED**  
*The application is denied.*

**SO ORDERED:**

*Paul G. Gardephe*  
**Paul G. Gardephe, U.S.D.J.**

**Dated:** *Sept 17, 2014*

**Re: Lockheed Martin Corporation, et al. v. MTA, et al.**  
**Nos. 09 CV 4077 and 09 CV 6033 (PGG) (GWG)**

Dear Judge Gardephe:

Our firm represents Plaintiff Lockheed Martin Corporation ("Lockheed Martin"). We respectfully submit this letter to request a continuance of the trial date to permit Lockheed Martin to supplement its trial declarations.

In light of Your Honor's detailed Memorandum Opinion and Order on the parties' Motions for Partial Summary Judgment (the "Decision"), we believe it is necessary for Lockheed Martin's witnesses to be heard in its case-in-chief on issues relevant to the Decision because Lockheed Martin did not have the benefit of the Decision when its witnesses prepared their trial declarations. Lockheed Martin is mindful of the Court's, parties' and witnesses' calendars and schedules; however, Lockheed Martin would be prejudiced if not granted a continuance and the opportunity to fully address several issues on which the Decision focuses.

Defendants MTA Capital Construction Company and Metropolitan Transportation Authority will not be prejudiced because Lockheed Martin will not be adding any new witnesses and all information that would be included in the supplemental trial declarations would be well within the discovery previously sought, produced and propounded in this matter, including all expert discovery materials.

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Honorable Paul G. Gardephe  
September 17, 2014  
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Thank you for your courtesy and attention to this matter.

Respectfully,

A handwritten signature in black ink, reading "Matthew A. Taylor". The signature is fluid and cursive, with the first name "Matthew" and last name "Taylor" clearly legible.

Matthew A. Taylor (MT 2914)

cc: Ira J. Lipton, Esq., Hogue, Newman Regal and Kenney, LLP, for MTA (via email)  
Adam P. Friedman, Esq., Wolff & Samson PC, for the Sureties (via email)